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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

Adv. Case No. 20-80031

**DECLARATION OF PAMELA M.
EGAN IN SUPPORT OF
TRUSTEE'S MOTION TO
AMEND COMPLAINT**

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, individual and
California resident, GIGA WATT
PTE., LTD., a Singapore corporation,
and ANDREY KUZENNY, individual
and Russian citizen,

Defendants,

- and -

THE GIGA WATT PROJECT, a
partnership,

Nominal Defendant.

EGAN DECLARATION IN SUPPORT
OF TRUSTEE'S MOTION TO
AMEND COMPLAINT – Page 1

1 I, Pamela M. Egan, declare as follows:

2 1. I submit this declaration in support of the Trustee's *Motion to Amend*
3 *Complaint* ("Motion"), filed on September 26, 2022.

4 2. My law firm, Potomac Law Group PLLC ("PLG"), is counsel to the
5 Trustee. I am a partner in PLG.

6 3. The statements set forth herein are based on my personal knowledge
7 or my review of the Debtor's books and records. If called as a witness, I would
8 and could competently testify thereto.

9 4. A true and correct copy of the First Amended Complaint is attached
10 to the Motion as **Exhibit 2**. Unless otherwise defined herein, capitalized terms
11 have the meanings ascribed to them in the First Amended Complaint.

12 5. In May 2022, I learned that a third-party vendor named Lighthouse
13 Technology was in possession of 1 terabyte of information from Giga Watt's
14 computers. These documents had been imaged during the SEC investigation and
15 included emails of Giga Watt's employees and management between January
16 2017 and May 2018. Wilson Sonsini had commissioned this imaging, but was
17 only in possession of a small fraction of these documents.

18 6. I obtained the Lighthouse Documents in readable form in late July
19 2022. The Trustee made the Lighthouse Documents available to Perkins at the
20 same time that they became available to me. After processing, the reviewable
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1 documents were reduced to 240 gigabytes of documents, comprising hundreds of
2 thousands of documents.

3 7. After conferral between counsel regarding the Lighthouse Documents
4 and the relationship between Perkins and Giga Watt as shown by the Lighthouse
5 Documents, Perkins sent to me a packet of correspondence between Perkins and
6 Giga Watt. This packet omitted the correspondence with the USSS and also
7 omitted an email from Giga Watt's CFO to Ness stating his understanding that
8 Ness was Giga Watt's point person "on all legal matters."

9 8. Perkins and the Trustee have agreed to negotiate a new discovery
10 schedule after the Motion is resolved.

11 9. The Trustee will shortly file a motion to dismiss the arbitration
12 appeal as moot based on the new facts alleged in the First Amended Complaint.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 26th day of September 2022 in Seattle, Washington.

15 s/ Pamela M. Egan
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